

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:     Laura T. Putnam, Eileen C. Shapiro and Steven J. Mintz

Application No.: 09/882,292

Group No.: 3623

Filed: June 15, 2001

Examiner: Boyce, Andre D.

For: System and Method of Identifying Options for Employment Transfers Across Different Industries

**Commissioner for Patents**

**P.O. Box 1450**

**Alexandria, VA 22313-1450**

**TRANSMITTAL REQUEST FOR REHEARING (37 C.F.R. § 41.52 )**

Transmitted herewith is a Request for Rehearing of the Decision of the Board, issued on March 16, 2010.

**FEES**

No fees are believed to be due. If a fee is required, please charge Account No. 19-4972.

Date: May 14, 2010

/Jeffrey T. Klayman, #39,250/

Jeffrey T. Klayman

Registration No. 39,250

SUNSTEIN KANN MURPHY & TIMBERS LLP

125 Summer Street

Boston, MA 02110-1618

617-443-9292

Customer No. 002101

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**In re Appeal 2009-001096**

Applicant:	Putnam et al.	Art Unit:	3623
Appl. No:	09/882,292	Examiner:	Boyce, A.
File Date:	June 15, 2001	Docket No.:	2709/113
Invention:	<b>System and Method of Identifying Options for Employment Transfers Across Different Industries</b>		

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**REQUEST FOR REHEARING (37 C.F.R. 41.52)**

A. REQUEST FOR REHEARING

Appellant hereby requests Rehearing of the Decision of the Board, issued on March 16, 2010. The time period for filing the request is two months from the date of the original decision of the Board. 37 C.F.R. 41.52.

B. GROUNDS FOR REHEARING

Appellant requests a rehearing with regard to all of the pending claims, and particularly independent claims 3, 80, and 88, on grounds that the Board has misapprehended the type of correlation used by Salmon vis-à-vis the type of correlation required by the subject matter claimed herein.

The claimed invention identifies second industries using a database that correlates, for a job function, a first industry with a set of second industries (e.g., conceptually, input job function and first industry to obtain a set of second industries).

At page 4, lines 2-4 of the Decision, the Board says "if the particular "experience" is weighted high and the particular "industry" is weighted low, then the job function is potentially transferable across several industries."

Such a statement misses the point of the claimed invention.

Salmon is essentially a matching/filtering technology. In Salmon, for example, if a company is looking to hire and it requires someone with, say, sales experience (i.e., weighted high), preferably but not necessarily in the retail industry (i.e., weighted low), it is true that Salmon's system might match salespeople from several different industries (e.g., sales experience in farm equipment, sales experience in aerospace, etc.) as meeting the company's search criteria.

Thus, Salmon merely matches on people with sales experience, ranking people with sales experience in the retail industry higher than people with sales experience in other industries.

But even here, **Salmon does not identify second industries, as in the claimed invention.**

Thus, Salmon does not disclose correlating, for a job function, a first industry with a set of second industries with respect to which the job function capability is potentially transferable, as in the independent claims, either using a database (as recognized by the Board) or otherwise. Furthermore, Salmon does not identify industries, as in the independent claims.

Thus, with regard to Claim 3, Salmon fails to disclose or otherwise suggest at least claim element b (accessing a database) and claim element c (using the database to identify industries).

Similarly, with regard to Claims 80 and 88, Salmon fails to disclose or otherwise suggest at least the entireties of element b, and specifically using a symbolic representation to access a database.

For these reasons and for other reasons identified in Appellant's Appeal Brief, the contents of which are hereby incorporated by reference, Appellant respectfully submits that the claims are allowable over Salmon both alone and in combination with Joao.

Appellant therefore respectfully requests a rehearing on the Decision.

C. FEES

Appellant believes that no fee is due for this request for rehearing. If any fee is required, please charge Deposit Account No. 19-4972.

Date: May 14, 2010

Respectfully submitted,

/Jeffrey T. Klayman, #39,250/

Jeffrey T. Klayman

Registration No. 39,250

Attorney for Applicants

Sunstein Kann Murphy & Timbers LLP

125 Summer Street

Boston, Massachusetts 02110-1618

Tel: (617) 443-9292; Fax: (617) 443-0004

Customer No. 02101

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